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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,043	10/29/1999	BRANT L. CANDELORE	080398.P245	6700

7590 10/24/2003

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EXAMINER

HAYES, JOHN W

ART UNIT PAPER NUMBER

3621

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/430,043

Applicant(s)

CANDELORE, BRANT L.

Examiner

John W Hayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6,9-12 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-6,9-12 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. The declaration filed on 21 August 2003 under 37 CFR 1.131 is sufficient to overcome the Serbinis et al reference.

Response to Arguments

2. Applicant's arguments with respect to claims 3-6, 9-12 and 15-18 have been considered but are moot in view of the new ground(s) of rejection. However, examiner would like to point out that the claims do not suggest that the local key is related to the user key as is argued in the response filed 21 August 2003. The claims merely recite that a local key is generated from a programmable user key according to an authorization code provided by the content provider. Examiner has interpreted this language to simply mean that user key information and authorization code information is applied to a device that outputs a local key which is then used to descramble the content.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richards, U.S. Patent No. 6,069,957.

As per Claims 3, 5-6, 9, 11-12, 15 and 17-18, Richards disclose a method for copy protection for content comprising:

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- a communication interface for receiving an authorization code ([SK]CUSTOMER_CODE) via a communication channel, the communication channel being one of a return path of a cable connection (Figure 2; Col. 6, lines 46-66);
- a key generator for generating a local key (SK) from a programmable user key (CUSTOMER_CODE) according to an authorization code ([SK]CUSTOMER_CODE) provided by a content provider (Col. 7, lines 10-15
- a descrambler for descrambling the content delivered by a content provider using a local key (Col. 7, lines 17-23).

Richards discloses that the user key (CUSTOMER_CODE) is programmable by indicating that the code is embedded and stored in a memory region of a set-top box that is also used as the medium to receive the content (Col. 7, lines 5-12) and the CUSTOMER_CODE can change with time (Col. 10, lines 57-64). Richards does not explicitly indicate that the generated key is a "local" key, however, examiner is interpreting the key generated by Richards to be a "local" key since this key is encrypted using the CUSTOMER_CODE, thereby localizing the key to that particular user since that particular user is the only user that knows the CUSTOMER_CODE. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention that the key generated by Richards would be considered a "local" key. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include any information (authorization passwords, codes, PIN, etc.) necessary to generate a local key such as a session key, for example, as is known in the art in order to provide the maximum amount of security to ensure that no other party can determine the session key and gain access to encrypted information.

As per **Claims 4, 10, and 16**, Richards fails to disclose receiving the user key from the content provider via the communication channel, however, this is also a well known feature in the art. Applicant's own specification admits that delivering keys to a user conditional access (CA) device using messages is known in the art (Page 2, lines 18-24). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Richards and include providing the user key through

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a communication channel or other medium as is well known in the art in order to provide secure content to a user.

Conclusion

5. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Lambert et al disclose a method for controlling access to electronically provided services and teach a local key generation service that generates a local key based upon a user authorization code such as a PIN and user key data stored on a medium.

7. The prior art previously made of record and not relied upon is considered pertinent to applicant's disclosure.

- Matyas et al disclose a method for protecting software using cryptography and teach wherein the encrypted information is decrypted with a unique file key that is generated using an authorization number as well as a password provided to the user over a telephone connection.
- Hasebe et al discloses a method for protection of encrypted electronic data and teach wherein a decrypting key is generated according to a users personal number.
- Richards discloses a restricted access television system for protecting television signals from unauthorized users and teach decrypting content based upon a customer code and further teach transmitting user keys to users using a communication channel.

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- Wasilewski et al disclose authorization of services in a conditional access system and teach decrypting content based upon a user's private key as well as other keys transmitted in control words.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hayes whose telephone number is (703)306-5447. The examiner can normally be reached Monday through Friday from 5:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

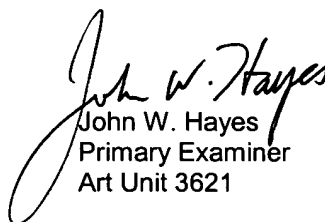
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or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

(703) 746-5531 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington,
VA, 7th floor receptionist.


John W. Hayes
Primary Examiner
Art Unit 3621

October 23, 2003